

REMARKS

Claims 1-75, 77, 78 and 80 have been previously cancelled. Applicants reserve the right to file a continuation or divisional application directed to the subject matter of one or more of the cancelled claims. Claims 79, 81 and 84 have been amended in this response. Claim 79 was amended to indicate that the recognition molecule further comprises “immunoglobulin domains of various species, enzyme molecules, signal sequences, fluorescent dyes, toxins, one or more antibodies or antibody fragments with different specificity, cytolytic components, immunomodulators, immunoeffectors, chelating agents for radioactive labeling, radioisotopes, and/or liposomes.” Claims 81 and 84 were amended to delete “prophylaxis.” Support for the amendments to claims 79, 81 and 84 can be found in the specification and claims as originally presented. Claim 76 was indicated as allowed. Upon entry of this amendment, claims 76, 79, and 81-84 would be pending. No new matter has been added.

Applicants address herein each issue raised in the Office Action of February 2, 2011.

I. The Rejection of Claims 79 and 81-84 Under 35 U.S.C. § 112, First Paragraph Should be Withdrawn

Claims 79 and 81-84 are rejected under 35 U.S.C. 112, first paragraph as allegedly lacking enablement. More specifically, the Office Action indicates that

...while being enabling for 1) a construct comprising the recombinant recognition molecule of claim 76 further comprising enzyme molecules, signal sequences, fluorescent dyes, toxin, one or more antibodies or antibody fragment with different antigen-binding specificity, cytolytic components immunomodulators, immunoeffectors, chelating agents for radioactive labeling, radioisotopes or liposomes and 2) a method for the diagnosis, reduction therapy follow-up or after care of a Core-1 positive tumor disease or a Core-1 positive

metastasis comprising the administration of the recognition molecule comprising the CDRs of the recited amino acid sequences, wherein said recognition molecule specifically binds to the Core-1 antigen, does not reasonably provide enablement for 1) a construct comprising the recombinant recognition molecule of claim 76 further comprising interaction domains, domains for stabilization, catalytic antibodies, MHC I or II antigens, transmembrane domains, viruses and cells, or 2) the prophylaxis of a Core-1 positive tumor disease.

Office Action at page 2, third paragraph.

Solely to expedite prosecution and not in acquiescence to this rejection, Applicants have amended claim 79 to specify that that the recognition molecule of claim 76 further comprises “immunoglobulin domains of various species, enzyme molecules, signal sequences, fluorescent dyes, toxins, one or more antibodies or antibody fragments with different specificity, cytolytic components, immunomodulators, immunoeffectors, chelating agents for radioactive labeling, radioisotopes, and/or liposomes” and have amended claims 81 and 84 to delete “prophylaxis.” Therefore, the rejection is rendered moot since the alleged non-enabled claimed subject matter has been deleted and withdrawal of the rejection is respectfully requested.

II. Conclusion

Applicants believe that the claims are in condition for allowance and respectfully request allowance thereof. The Examiner is invited to telephone the undersigned if that would be helpful in resolving any issues.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 50-5071.

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Respectfully submitted,

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